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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,488

09/30/2003

Michael David Dobbs

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FORT COLLINS, CO 80527-2400

EXAMINER

SARPONG, AKWASI

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,488

Applicant(s)

DOBBS, MICHAEL DAVID

Examiner

Akwasi M. Sarpong

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action.

Drawings

1. The drawings are objected to because the drawings are without labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1- 6, 9-10 and 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sesek (2002/0109867).

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Claim 1, Sesek discloses an image reproduction apparatus (Fig. 1) comprising:

a scanning device (Fig. 1 Element 10).

a transparent scanning bed (Fig. 1 Element 11) optically coupled to said scanning unit. "Transparent" reads on the glass surface.

an adjustable shade (Fig. 1 Element 16a, 16b, 15a and 15b) associated with said scanning bed (Fig.1 Element 11).

wherein said adjustable shade is configured to be selectively placed across said scanning bed to reduce a portion of said scanning bed (Paragraph 0025 lines 4-9 Fig. 1, Element 14).

Claim 2, Sesek further discloses wherein said scanning unit comprises:

a photoconductive platen (Fig. 1 Element 11).

a light source optically coupled to said scanning unit (Paragraph 0029 Line 4).

Claim 3, Sesek further wherein said scanning bed is configured to receive a document (Fig. 1 Element 14).

Claim 4, Sesek further discloses wherein said scanning bed comprises glass (Paragraph 0023 Line 5).

Claim 5, " wherein said scanning bed comprises plastic," reads on Sesek's sliding shade (Fig. 1 Element 16a, 16b, 15a, 15b).

Claim 6, Sesek further discloses wherein said adjustable shade comprises an opaque material. (Note Fig. 1 Elements 16a, 16b, 15a, and 15b are opaque for the purpose of blocking light).

Claim 9, Seseek further discloses an adjustable shade disposed on each side of said scanning bed (Fig. 1 Element 16a, 16b, 15a and 15b).

Claim 10, Seseek discloses wherein said adjustable shades are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism. (Fig. 9 and 10) and (Paragraph 0032 Lines 1-13, Fig. 6, Element 33)

Claim 20, Seseek discloses a scanning device for eliminating unwanted areas of a scanned image (Fig. 1) said scanning device comprising:

- means for scanning (Fig. 1 Element 10)

- means for shading (Fig. 1 Elements 16a, 16b, 15a and 15b)

- wherein said means for shading is configured to selectively reduce an effective scanning area of said means for scanning (See Fig. 9 and 10).

Claim 21, Seseek discloses wherein said means for scanning comprises:

- a scanning unit (Fig. 1 Element 10 in which inherently include a scanning unit, i.e optical reader).

- a transparent scanning bed (Paragraph 0023 Line 3-6 Fig 1 Element 11) optically coupled to said scanning unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8 11-19 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seseek (2002/0109867) in view of Schlecht (6695381).

Claim 7, Seseek discloses an adjustable shade. (Fig. 1 Element 16a, 16b, 15a and 15b)

Seseek does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Schlecht discloses wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. (Column 7 Lines 5-28 Fig. 5 Element 27). Therefore it will be obvious to one ordinary skilled in the art to modify Seseek's adjustable shade with Schlecht's shade reel so to increase the scanning surface of the transparent scanning bed by completely retracting the shade into the reel away from the scanning bed.

Claim 8, Seseek in view of Schlecht (Fig. 2 Elements 25, 28,26 and 37)) wherein said opaque material is coiled around said shade reel.

Claim 11, Seseek discloses a method of adjusting the target area of an image reproduction apparatus (Paragraph 0035 Fig. 8 Element 40) comprising:

drawing shades across a scanning bed (Fig. 1 Elements (16a, 16b, 15a and 15b) placing said object on said drawn shade (Paragraph 0023 Lines 11-12 Fig. 1 Element 11)

and scanning said object. (Fig. 8 Element 47).

Sesek does not disclose drawing a shade using a shade reel.

Schlecht discloses drawing a shade using a shade reel. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Sesek's adjustable shade with Schlecht's shade reel so to increase the scanning surface.

Claim 12, Sesek (Fig. 9 Elements x1, x2, y1, y2 shows that the distance x1, x2, y1 and y2 has to be measured for the pointers to be moved) in view of Schlecht (Fig. 5 Element 37) discloses wherein said drawing shade comprises: measuring a distance from said shade to a furthest point of a certain condition; and extending said shade equal to said distance.

Claim 13, Sesek (See claim 6) in view of schlecht (Column 7 Lines 40-45) further disclose wherein said shade comprises an opaque material; wherein said opaque material is configured to prevent the scanning of an object.

Claim 14, Sesek discloses an adjustable shade (Fig. 1 Element 16a, 16b, 15a and 15b) comprising:

an opaque material (Fig. 1 Elements (16a, 16b, 15a and 15b).

wherein said shade is configured to adjust a scan target area of said image reproduction apparatus (Fig 9 and 10).

Sesek does not disclose a shade reel configured to be coupled to an image reproduction apparatus.

Schlecht disclose a shade reel (Fig. 2 Element 25 and 26). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Sesek's adjustable shade with Schlecht reel to increase the surface of the flatbed scanner.

Claim 15, Sesek in view of Schlecht (Fig. 2 Elements (28, 25, 37 and 26) further discloses wherein said opaque material is concentrically wrapped around said shade reel.

Claim 16, Sesek in view of Schlecht (Column 7 Lines 5-8 Fig. 5 Element 24) further discloses wherein said shade reel further comprises a spring and lock mechanism.

Claim 17, Sesek in view of Schlecht (Column 7 Lines 5-28, Fig.2) discloses wherein said spring and lock mechanism is configured to permit said opaque material to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted to said shade reel.

Claim 18, "wherein an underside of said shade is configured to reflect an emitted light" reads on Schlecht's web shade in Fig. 5 Element 28.

Claim 19, "wherein said underside of said shade is white also reads on Schlecht's other web shade in Fig. 6 Element 79).

Claim 22, Sesek discloses a scanning device as discussed in claim 20 in which the shading material is opaque for the purpose of blocking light.

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Sesek does not disclose a shade reel.

Schlecht discloses a shade reel (Col. 7 Lines 5-23, Fig. 5 Element 26). Therefore it will be obvious to one ordinary skilled in the art to modify Sesek's adjustable shade with Schlecht's shade reel so to increase the scanning surface of the transparent scanning bed by completely retracting the shade into the reel away from the scanning bed.

Claim 23, is analyzed with respect to claims 6-8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akwasi M. Sarpong whose telephone number is 571-270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.